



October 31, 2025

Massachusetts Executive Office of Energy and Environmental Affairs

100 Cambridge Street

Boston, MA 02114

EnergyPermitting@mass.gov

ACE Feedback on Draft Guidance on Site Suitability for Clean Energy Infrastructure

Thank you for the opportunity to comment. On behalf of Alternatives for Community & Environment (ACE), a 30+ year old environmental organization based in Roxbury, we offer the following recommendations to strengthen the guidance, enhance its effectiveness in protecting environmental justice communities, and ensure it fulfills the intent of the 2024 Climate Act.

- 1) **Formalize the guidance into regulation.** The guidelines should be enshrined in regulation itself, not simply referenced. Putting the force of law behind these standards is critical to ensure consistent application, enforceability, and to provide all stakeholders with a clear and predictable framework.
- 2) **Clarify when a Site Suitability Analysis is required.** The current guidance does not require a Site Suitability Analysis for facilities located in a burdened area that will instead conduct a cumulative impact analysis. We believe that projects in burdened areas should be required to complete both analyses. The site suitability process is not an onerous one and allows for a critical, project-specific review of local environmental and social conditions that a cumulative impact analysis may not capture.
- 3) **Prioritize impacted communities in MassEnviroScore calculations.** We recommend determining an impacted area by assessing the technological and environmental effects of the project, rather than relying solely on the project's site footprint. For projects with air quality impacts, we recommend using a 5-mile radius for analysis, consistent with existing MassDEP air quality requirements.

We further recommend **not** using a weighted average to calculate a project's MassEnviroScore. This method dilutes a site suitability score for projects that impact highly burdened communities, even if that community bears the brunt of the project's effects. For instance, a project located 90% in a low-burden community (score of 10) and 10% in a high-burden community (score of 100) would be assigned a deceptively low average score of 19. This masks the true, concentrated impact on the most vulnerable population. To accurately reflect environmental justice principles,

we recommend instead applying the highest MassEnviroScore from any census block group within the project's area of impact. A weighted average should not be used, as it effectively discounts the disproportionate burden placed on our most vulnerable communities.

- 4) **Reform scoring to provide the right incentives and disincentives around project siting.** The scoring criteria should incentive siting in unburdened areas by further removing points (similar to the benefits subtractors), while high scores that trigger a cumulative impact analysis should have their score increased, disincentivizing building in that community. The current system as proposed has the risk of pushing projects towards burdened areas as the social and environmental burdens represent just one of the multiple 5 point scales and can be completely offset by social and environmental benefits, meaning the burdens may ultimately have little to no influence on a site suitability score and siting decision.
- 5) **Reform scoring to ensure meaningful social and environmental benefits.** To apply for a social and environmental benefit criteria score subtractor, an applicant should develop a community benefit agreement following the Office of Environmental Justice & Equity's (OEJE's) guidance. Benefits should be designed with communities, not ascribed by host municipalities. OEJE's guidance contains strong recommendations around community engagement and co-creation of meaningful benefits. Without following the guidance, the proposed eligible subtractors have the potential to be insignificant and misaligned with community priorities. For example, how much utility bill assistance is considered significant enough to earn a point? A CBA process promotes alignment with benefits that make a difference. To ensure enforceability and accountability, the CBA should be certified with the host municipality. If a CBA is not incorporated into the site suitability process, benefit criteria score subtractors should only include benefits that address social and environmental burdens identified through MassEnviroScreen. For example, benefits as vague as "Funds publicly available EV charging stations" or "Creates or maintains local jobs" should not directly offset risks to agriculture resources, biodiversity, or climate change resilience.
- 6) **Clarify the distinction between mitigation and benefits.** EEA must establish a firm distinction between mandatory mitigation and voluntary community benefits. It is imperative to clarify that addressing a burden caused by the applicant is a required correction, not a charitable benefit to be rewarded. The guidance should reinforce the statutory mitigation hierarchy: first avoid, then minimize, and finally mitigate project impacts. While the current framework allows point deductions for benefits, EEA must explicitly state that actions taken to mitigate a project's own damage are legally required and are ineligible for points. For example, habitat restoration required to offset a project's environmental damage is mitigation, not a bonus benefit. This distinction is a core mandate of the 2024 Climate Act and should be explicitly referenced in the section on points deductions. Furthermore, any recognized benefits should align with those identified in or produced by the process described in OEJE's Guidance on Community Benefit Plans and Agreements.
- 7) **Ensure Benefits Are Not Funded by Ratepayers.** When benefits are agreed to in already burdened communities, as determined by 980 CMR 15.00, the cost of these benefits should not be imposed on ratepayers. Utilities should not be allowed to pass on the cost of benefits promised in a CBP and/or a CBA to customers as part of their rate base. Rather, utility companies should provide the benefits, not customers. If, contrary to this recommendation, the Department of Public Utilities ("DPU") does allow a utility to include the cost of any benefits in a CBP and/or CBA as

part of their rate base, the recommended mitigation measure in the EFSB Guidance should include a DPU mandated rate discount to the host municipality.

Thank you for reviewing our feedback and recommendations. We stand by ready to assist in incorporating updates and in answering any questions about our perspective.

Sincerely,

Tristan Thomas

Director of Policy

Alternatives for Community & Environment (ACE)